



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal Case No. 08cr2148-WQH
Plaintiff,)
v.)
EVERARDO BARRIOS-DIAZ,)
Defendant.)

)

The United States Attorney charges:

Count 1

On or about October 28, 2003, within the Southern District of California, defendant EVERARDO BARRIOS-DIAZ, being an alien, unlawfully entered or attempted to enter the United States at a time and place other than as designated by immigration officers, and eluded examination and inspection by immigration officers, and attempted to enter or obtained entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; in violation of Title 8, United States Code, Section 1325, a misdemeanor.

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Count 2

2 On or about May 28, 2008, within the Southern District of
3 California, defendant EVERARDO BARRIOS-DIAZ, being an alien,
4 unlawfully entered or attempted to enter the United States at a time
5 and place other than as designated by immigration officers, and eluded
6 examination and inspection by immigration officers, and attempted to
7 enter or obtained entry to the United States by a willfully false or
8 misleading representation or the willful concealment of a material
9 fact and previously committed the offense of illegal entry, as alleged
10 in Count 1; all in violation of Title 8, United States Code,
11 Section 1325, a felony.

12 DATED: 6/26/08

KAREN P. HEWITT
United States Attorney

Julia Fenn
CHARLOTTE E. KAISER
Assistant U.S. Attorney